

Governor & fellow Councilors,

After reading Mr. Schoolcraft's petition for a pardon, listening to his testimony and those supporting him, and deliberating on the case, two things emerge very clearly:

First, this is a remarkable young man with a bright future, and a lot to offer his state.

Second, this is exactly how our corrections system is supposed to work.

Mr. Schoolcraft's eight felonies were serious. His sentence – including a year of jail time, parole, and thousands of dollars repaid to his victims – was fair.

Most importantly, his sentence and incarceration achieved their goal of deterring him from future crimes and protecting our state from potential future crimes.

In fact, the system didn't just work for society – it also worked for Mr. Schoolcraft. Just two years after fully completing his sentence, he has enriched his life, graduated from college, served as a Corrections officer with distinction, and so impressed his superiors, colleagues, and community leaders that several of them – including county elected officials whose judgment and service deserve deep respect - traveled to Concord to testify on his behalf in this case. While the price was a real one, the truth is that Mr. Schoolcraft has benefited profoundly from his arrest and conviction, just as our society has.

We should be very slow to consider granting a pardon in a case where the system has, frankly, worked so well.

That leaves two issues:

First, should we grant a pardon out of forgiveness?

And second, should we grant a pardon so he can work as a corrections officer and better our society?

A pardon should be a rare and extraordinary act. Rule of law is a key foundation for our society, and while the power to pardon is written into our laws, a pardon inherently skirts the edge of threatening that rule. A pardon has its place when justice demands it – yet still, every pardon, even the most righteous and justified, is still arbitrary, subjective, and without appeal. There is no

legal standard for a pardon – it is simply the judgment of the six of us sitting at this table. For every cop who enforces our laws, every Judge who interprets them, every legislator who creates them, every citizen who follows them, and every Corrections Officer who meets out the punishment and rehabilitation when they are broken, we should err heavily on the side of rejecting a pardon unless Justice simply demands it, without a shadow of a doubt.

While Mr. Schoolcraft's professional story is unique, his reform is the goal for every prisoner. If we should pardon when good works merit forgiveness, then we too should pardon *every* reformed criminal who is demonstrating deep and true commitment to bettering society. If this were the model our rule of law and tradition intends, than a pardon would be the ideal final step of rehabilitation and correction for every crime. Our state's history tells us clearly that is not the case.

When it comes to forgiveness, a better judge and more accurate measure than a pardon, was demonstrated in the unanimous outpouring of support Mr. Schoolcraft received at his hearing – telling him that his society in fact, has forgiven him for his crimes.

Finally, as for his potential future in Corrections, Mr. Schoolcraft makes a strong case that a convicted criminal like him, who has turned his life around, can serve as an important example and uniquely powerful advocate for reform within a prison. While this case has not explored both sides of that question, New Hampshire corrections administrators would be wise to hear this from at least this one Councilor: In Mr Schoolcraft's case, it is clear our society would be better if he could continue his service as a Corrections Officer.

However, that is a question of logistics and policy and not justice – and a pardon is not the only, or the appropriate, means to that end. Mr. Schoolcraft could continue this profession if he chose to stay in Cheshire County, where his local rules do not disqualify solely based on criminal history. He could pursue this passion if he chooses to work within prisons in a non-law enforcement field, like counseling. It might still be achieved if his sentencing court chooses to annul his sentence when he is eligible in three years. And it could be achieved if NH corrections officials make a policy decision allowing it. Any one of these would be a more appropriate route than a pardon.

Mr. Schoolcraft should be commended for turning his life around. Policy makers would be wise to consider his case in crafting administrative rules for Corrections Officers. But I caution our Governor and my fellow Councilors that in my judgment, a pardon is not the appropriate way to recognize either fact. And Justice does not demand it.

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